GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes, Forest and Transport Departments – Surprise Check conducted over the Integrated Check Post, Naraharipeta, Chittoor District in the intervening night of 26/27-07-2014 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Sri B.Hari Krishna, Assistant Commercial Tax Officer, Commercial Taxes Department - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.1238 Date : 03-12-2015
Read :

G.O.Ms.No.458, Revenue (Vigilance - II) Department, dated:03-12-2015.

&

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri B.Hari Krishna, Assistant Commercial Tax Officer Commercial Taxes, Integrated Check Post, Naraharipeta, Chittoor District (Suspected Officer-2) under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of witnesses by whom and the list of documents by which the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri B.Hari Krishna, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri B.Hari Krishna, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is further informed that if he does not submit his written statement of defense on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri B.Hari Krishna, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipeta, Chittoor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
B.Hari Krishna, Assistant Commercial Tax Officer, Commercial Taxes, Integrated Check Post, Naraharipeta, Chittoor District (Enclosed Annexures I to IV)
through the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
(with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

1.The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
2.The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.
3.The Director General, Anti Corruption Bureau, Andrha Pradesh, Hyderabad.
4.The Deputy Commissioner, Commercial Taxes, Chittoor District.
5.The Revenue (Commercial Tax-I) Department.
6. SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE – I

ARTICLES OF CHARGES FRAMED AGAINST SRI BIDDIKURRA HARI PRASAD, AGE 47 YRS, S/o.LATE B.KRISHNAIAH, ASST., COMMERCIAL TAXES OFFICER, INTEGRATED CHECK POST, NARAHARIPETA, CHITTOOR DISTRICT.

That Sri B.Hari Prasad, S/o.B.Krihnaiah having joined Government service as Typist on 27-05-1994 in Commercial Taxes Department. He worked in the above capacities at various places in Chittoor District. He worked as Asst. Commercial Tax Officer, Integrated Check Post, Naraiiaripeta Chittoor District from 04-06-2014 to 27-07-2014 . While he was working as Asst. Commercial Tax Officer, Integrated Check Post, Naraharipeta , Chittoor District he has committed grave misconduct in as much as he colluded with the other staff working in the check post and he allowed his staff for collection of bribe from the truck operators passing through the Check post. An unaccounted amount of Rs.19,190/- was found scattered in rest room of Assistant Commercial Tax Officer. An amount of Rs.8,580/- was collected at counter from 00.10 to 7.30 hours on date of Surprise check that was collected as bribe from lorry truck operators passing through Check Post.

He failed to maintain attendance register.

Thus, Sri B.Hari Prasad, S/o.Late B.Krishnaiah by his above mentioned acts has exhibited lack of supervision, lack of integrity, devotion to duty, conduct unbecoming of a Government servant and thereby contravened Rule 3 (1), (2) & (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAOMST SRI BODDIKURRA HARI KRISHNA, AGE 48 YRS, S/o.B.KRISHNAIAH, ASSISTANT COMMERCIAL TAXES OFFICER, INTEGRATED CHECK POST, NARAHARIPETA, CHITTOOR DISTRICT.

Sri B.Hari Krishna, S/o.late B.Krishnaiah is a native of Kadapa District. His date of birth is 17-04-1967. He entered into Government service as Typist on 27-05-1994 in Commercial Tax Department and got promoted as Assistant Commercial Tax Officer on 04-03-2014. He worked in the above capacities at various places in Chittoor District. He worked as Assistant Commercial Taxes Officer, Integrated Check Post, Naraharipeta, Chittoor District from 04-06-2014 to 27-07-2014. He was drawing a basic pay of Rs.18,030 /- in the scale of pay Rs.14,860/- to Rs.39,540/- as on 27-07-2014. His superannuation is on 30-04-2027. He is here-in-after referred to as Government Servant.

CHARGE:

That the Government Servant Sri B.Hari Krishna S/o.B.Krishnaiah, while he was working as Assistant Commercial Tax Officer from 04-06-2014 to 27-07-2014, he has committed grave misconduct in as much as he colluded with the other staff working in the check post and he allowed his staff for collection of bribe from the truck operators passing through the Check Post. An unaccounted amount of Rs.19,190/- was found sheltered in rest room of Assistant Commercial Tax Offcer. An amount of Rs.8,580/- was collected at counter from 00.10 to 7.30 was on date of Surprise check that was collected as bribe from lorry truck operators passing through Check Post.

He failed to maintain attendance register.

FACTS & EVIDENCE:

On 27-07-2014 from 00-10 AM to 07-30 AM Surprise Check was conducted by a Team of officials of Anti Corruption Bureau, Tirupati which is situated near to the integrated Check post, Naraharipeta, and parked the vehicles near Integrated Check post and took vantage positions. The DSP instructed Sri C. Lakshmikantha Reddy, Inspector and PCs 2960 along with two mediators Sri. Duddukuru Kumar and Varadarajulu Ganesh Ramana to strike the check post of Road Transport Authority of the Integrated Check Post at the assigned time and also instructed them to conduct search and report compliance. At the destined time both the search parties along with the Mediators stroke the Integrated Check Post at about mid night 00:05 AM on 27-07-2014. The main party on entering into the North-East entrance of the Integrated Check Post main building, noticed three male persons stopping the vehicles and collecting the money from the vehicle drivers, one male person sitting in the counter table, outside the main building, adjacent to the steps facing north, stamping official seal and collecting money from the vehicle drivers. On entering in to the building through north-eastern entrance, one male person sitting in the varandha in the civil supplies counter (Counter-I), just behind that counter one male

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person sitting in the agriculture market committee check post counter (Counter-6). One male person sitting in the north east corner of the Main Hall in the Commercial Tax counter (Counter -2) stamping official seal and collecting money from the vehicle drivers and two other male persons sitting in the centre of the main hall facing east and north. In the further western portion of the main hall divided by cardboard partition two male persons found present, among them one is working on the computer table facing east and another is taking rest. The DSP, Anti Corruption Bureau introduced his identity and that of his team members and informed the purpose of Anti Corruption Bureau teams visiting to the office and requested them to cooperate in conducting surprise check in the office. All the doors of the office were closed and all the persons present in the office are instructed not to move from their places. In the meanwhile remaining two inspectors and their staff brought the four persons working outside the building and informed them the purpose of Anti Corruption Bureau team visit to the office. The DSP asked the identity of the persons present.

A Total of 12 persons were present at the office at the time of search of Integrated Check Post by Anti Corruption Bureau team. (1) Boddikura Hari Krishna, S/o.Late B.V.Krishnaiah, age 48 years. Assistant Commercial Tax officer, Integrated Check Post, Naraharipet, R/o.D.No.39/431-6-13, OM Shanthi Nagar, Kadapa Town, Cell: 99498 37615, (2) Krishnaiah Anandan, S/o.Krishnaiah, age 50 years, Assistant Commercial Tax Officer, Integrated Check Post, Naraharipet, R/o.Iruvaram Village, Chittoor Town, Cell No 94906 09144, (3) Nagaram Chandrasekhara Yoganandam, S/o.Late N. Chandrasekharan, age 43 years, Senior Assistant, Integrated Check Post, Naraharipet, R/o.D.No.28-302, F Cross, Ramnagar Colony, Chittoor, Cell: 94900 29453, (4) Srinivasapuram Venugopal, S/o.Late S.Venugopal, age 49 years Senior Assistant, Integrated Check Post, Naraharipet, Chittoor, R/o.D.No.20-475, ASM Street, Mittur, Chittoor, Cell No.94407 47980, (5) Maddileti Muniraja, S/o. Late Jayaram, age 53 years. Office Subordinate, Integrated Check Post, Naraharipet, Chittoor, R/o. Bharat Nagar, Chittoor Town, Cell: 81065 15630, (6) Karanam Subramanyam Pillai, S/o.late Doraswamy Pillai, age 54 years, Hamali, Integrated Check Post, Naraharipet, Chittoor, R/o.Durganagar Colony, Chittoor, Cell No 94409 81977, (7) Vankavall Hari Kishore, S/o.Subramanayam, age 31 years, HCL Engineer, attending Hard ware and Net working problems, Integrated Check Post, Naraharipet, Chittoor , R/o.D.No.15-112, New Colony, Pakala, Cell No 99669 65288, (8) Anand Raj, S/o.S.Anand Raj, age 39 years. Generator Operator, Veetech Diesels, Hyderabad, R/o.D.No.4-2464, Iruvaram, Chittoor Town, Cell: 99088 84224 (9) Madaka Ramesh Babu, S/o.late M.Chinna Venkata Ramana, age 57 years, Forest Section Officer, Integrated Check Post, Naraharipet, Chittoor, R/o. Srinagar Colony, Palamaner Town, Chittoor District, Cell No 94417 77175, (10) C.Changal Reddy, S/o.Peddabba Reddy, age 49 years. Assistant Market Supervisor, AMC, Integrated Check Post, Naraharipet, Chittoor, R/o.Vasudevapuram village, Penumuru Mandal, Chittoor District, Cell No: 97049 91993, (11) Gali Shanmuka Reddy, S/o.late Gali Venga Reddy, age 41 years. Private

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Security Guard, Agricultural Market Committee, Integrated Check Post, Naraharipet, R/o.Turpupalli village and post, Penumuru Mandal, Chittoor District, Cell: 94402 46644 and (12) Mohiddin Subhan Rahimuddin Khan, S/o.late M.Subhankhan, age 55 years, Deputy Tahsildar, Integrated Check Post, Naraharipet, Chittoor, R/o.15-1596, Lalu garden street, Chittoor Town, Cell No. 99631 87644, are found in the said office. The DSP along with the other two inspectors and staff physically checked all the persons present in the office, and found some cash on their persons.

Then the DSP, Anti Corruption Bureau searched the rooms in the presence of mediators. On searching the Assistant Commercial Tax Officer's rest room, an unaccounted cash of Rs.19,190/- was found scattered on the floor beside the cot in the south-west corner.

The DSP, Anti Corruption Bureau seized the above un-accounted amount of Rs.19,190/- for further proceedings. When the DSP, Anti Corruption Bureau questioned about the recovery of the huge unaccounted cash from the office premises, both Assistant Commercial Tax Officers kept silent.

Then the DSP, Anti Corruption Bureau verified the following registers.

11 DUTY REGISTER / ATTENDANCE REGISTERS ; It is being maintained for Commercial Tax, Transport and Forest departments from 16-05-2014 to till date. As per the register 09 Employees belonging to Commercial Tax Department, 2 employees belonging to Transport Department and the details of Forest Department employees are not available in this shift from 8 PM on 26-07-2014 to 8 AM on 27-07-2014. On verification it is found that A.Gopal, Assistant Commercial Tax Officer, V.Purushotham Naidu, Junior Assistant and S.Khaja Peer, Office Subordinate are on Casual Leave. The casual leave letters of the above three persons are found in the register, but neither the shift in-charge Assistant Commercial Tax Officer, Sri D.Hari Krishna nor Sri K.Anandan, Assistant Commercial Tax Officer who received the Casual Leave application of A.Gopal did not inform to the sanctioning authority i.e. Deputy Commercial Tax Officer, Sri I.V.Ranga Rao about the Casual Leave applications. The remaining two persons, i.e.V.Purushotham Naidu and S.Khaja Peer submitted their Casual Leave applications on 25-07-2014, but they both did not receive applications during the shift period. Further the both Assistant Commercial Tax Officers stated that the above two persons might have put in their applications in the attendance register without their notice. On this the DSP, Anti Corruption Bureau questioned the above Assistant Commercial Tax Officers about the entry of Casual Leave in the attendance register against the name of A.Gopal. Both the Assistant Commercial Tax Officers stated that Sri A.Gopal being the senior Assistant Commercial Tax Officer might have put Casual Leave entry against his name without their notice. The DSP further questioned about the blank spaces left in the attendance register the name of

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remaining two persons, who submitted Casual Leave applications, both Assistant Commercial Tax Officers stated that entries should have been made as to whether Casual Leave sanctioned or absent marked, but they did not do the same. On further questioning by the DSP as to why they did not do so, the above two Assistant Commercial Tax Officers kept silent.

The DSP, Anti Corruption Bureau seized the attendance register of Commercial Tax Department duly attested by the mediators and DSP, Anti Corruption Bureau.

During the proceedings the vehicle drivers / cleaners passing through the check post voluntarily approached the check post and offered cash ranging from Rs.50 to Rs.500/- to Anti Corruption Bureau officials sitting at the counters presuming them to be staff of the check post.

During the proceedings an amount of Rs.8,580/- was received at Commercial Tax Department counter as voluntarily offerings from the drivers of the vehicles passing through the check post during the period from 00:10 AM to 7 AM on 27.07.2014.

During the proceedings the following drivers were examined 1) Gottimukkala Nagendra Naga Parasad, S/o.G.Simhachalam, age 32 years. Lorry Driver, Hanuman Junction, Krisna District, Cell: 90103 58358, 2) Narasimhulu Chandra Babu, S/o.Mallaiah, age 40 years, lorry driver, Gaddur village, Kuramai Post, Palamaner Mandal, cell: 90525 93463, 3) Thathala Nagaraja Reddy, S/o.T.Venkat Reddy, age 47 years, Supervisor, lorry bearing No.AP03 TA8487, Raghavareddypalli village, Gangadhara, Nellore Mandal, Chittoor District, Cell: 93978 47922, 4) Mukkandla Suresh, S/o.M.Akkulappa, age 25 years, Eicher Vehicle Cleaner, Marlapalli Village, Thanekallu Mandal, Anthapur District, Cell: 90000 59806; 5) D.Narasimha Raju, S/o.D.Suryanarayana Raju, age 58 years. High School Road, Ballaiah Chowdary , Street, Vijayawada, Cell: 97002 42444 , 6) M.Malleswara Rao, S/o.Simhachalam, age 32 years, Hanuman Junction, Hanuman Nagar, Krishna District, Cell: 90103 5358, 7) G.Sudhakar, S/o. Govindaraj, age 28 years, Lorry Driver, Cehhlapalli Village, Gudipala Mandal, Cell: 72991 82413, 8) C.Umapathi, S/o.Chinnappa Mudhaliyar, age 48 years. Lorry Driver, D.No.6, Saivankoil Street, Chittoor, Cell: 98944 68412, 9) K. Venkata Ramana, S/o.K.Subbaiah, age 40 years, Reddyvaripalli, Galiveedu Mandal, Kadapa District, Cell: 93823 92466, 10) M.Vijaya Kumar, S/o.M.Gopalam, age 42 years, Singh Nagar, Vijayawada, Cell: 92479 39999. All the above persons stated that they regularly used to pay bribe amounts ranging from Rs.50/- to Rs.500/- on the demand of concerned officials. They further revealed that if they don't pay the bribe, the concerned officials unnecessarily stop their vehicles and harassed them even though they possess valid documents.

During the surprise check total amount of Rs.27,770/- unaccounted amount was collected as bribe was seized. When the DSP, Anti Corruption Bureau

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questioned about the recovery of the huge voluntary offerings at Commercial Tax counter, both Assistant Commercial Tax Officers kept silent.

The facts and material gathered so revealed that the Government Servant, Sri B.Hari Krishna, S/o.B.Krishnaiah , Assistant Commercial Taxe Officer has committed the grave misconduct.

Thus, the Government Servant, Sri B.Hari Krishna, S/o.B.Krishnaiah by his above mentioned act has exhibited lack of supervision, lack of integrity, devotion to duty and conduct, unbecoming of Government Servant and thereby violated Rule 3 (1), (2) and (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular Departmental Action, for Major penalty.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE - III

LIST OF WITNESSES :-

1. Sri. Kasi Janardhan Reddy, S/o K.Narasimha Reddy, age 38 years. Head Master, PNC Municipal Corporation High School, Santhapeta, Chittoor Town, R/o D.No.1-578/IIA, Reddy & Reddy Colony, Kattamanci, Chittoor Town, Cell: 94917 82179.
2. Sri Edadala Krishnaiah, S/o.E.Gurrappa, age 58 years, Head Master, Municipal Corporation High School, Gandlapalli, Kongareddypalli, Chittoor, R/o.2/475-9A, Sri Bapuji Nagar, Kongareddypalli, Chittoor Town, Cell: 94402 71015.
3. Sri Duddukuru Kumar, S/o.D.Baktavatsalu, age 39 years. Sr.Asst., O/o.DEO, Chittoor, R/o.New Balaji Colony, Chittoor, Cell: 94401 60108.
4. Varadarajulu Ganesh Ramana, S/o.Late V.Ganeshan, age 50 years, Sr. Asst., O/o.DEO, Chittoor, R/o.D.No.14/103, Kayanikattu Street, Chittoor, Cell: 94415 95698.
5. Sri R.Vijay Paul, DSP., ACB, Vijayawada.
6. Sri P.S.V.Rama Kishore, Inspector of Police, Anti-Corruption Bureau, Tirupati Range, Tirupati. (Investigating Officer)
7. Sri S.Venkaiah, Dy.Commissioner (CT), (FAC), Chittoor Division, Chittoor.
8. Sri M.Basi Reddy, Dy.Transport Commissioner, Chittoor.
9. Sri K.Giribabu, Secretary Grade-III, Agricultural Market Committee, Vepenjeri, Head quarters, Penumur, Chittoor District.
10. Sri Gottimukkala Nagendra Naga Parasad, S/o.G.Simhachalam, age 32 years, Lorry Driver, Hanuman Junction, Krisna District, Cell: 90103 58358.
11. Narasimhulu Chandra Babu, S/o.Mallaiah, age 40 years, lorry driver, Gaddur Village, Kuramai Post, Palamaner Mandal, cell: 90525 93463.
12. Thathala Nagaraja Reddy, S/o.T.Venkat Reddy, age 47 years, Supervisor, lorry bearing No.AP03 TA8487, Raghavareddypalli village, Gangadhara Nellore Mandal, Chittoor District, Cell: 93978 47922.
13. Mukkandla Suresh, S/o.M.Akkulappa, age 25 years, Eicher Vehicle Cleaner, Marlapalli Village, Thanekallu Mandal, Ananthapur District, Cell: 90000 59806.
14. D.Narasimha Raju, S/o.D.Suryanarayana Raju, age 58 years, High School Road, Ballaiah Chowdary Street, Vijayawada, Cell: 97002 42444 .
15. M.Malleswara Rao, S/o.Simhachalam, age 32 years, Hanuman Junction, Hanuman Nagar, Krishna District, Cell: 90103 5358.
16. G.Sudhakar, S/o.Govindaraj, age 28 years, Lorry Driver, Cehhlapalli Village, Gudipala Mandal, Cell: 72991 82413.
17. C.Umapathi, S/o.Chinnappa Mudihaliyar, age 48 years, Lorry Driver, D.No.6, Saivankoil Street, Chittoor, Cell: 98944 68412.
18. K.Venkata Ramana, S/o.K.Subbaiah, age 40 years, Reddyvaripalli, Galiveedu Mandal, Kadapa District, Cell: 93823 92466.
19. M. Vijaya Kumar, S/o.M.Gopalam, age 42 years, Singh Nagar, Vijayawada, Cell: 92479 39999.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

A N N E X U R E - IV

List of Records / Documents :

1) Original Surprise Check proceedings drafted on 27-07-2014 from 00-10 AM to 07-30 AM at the Integrated Check Post, Naraharipeta, Chittoor District.

2) Duty Register / Attendance Register of Integrated Check Post, Naraharipeta, Chittoor District.

3) Personal Cash declaration Register of Integrated Check Post, Naraharipeta, Chittoor District.

4) User Charges Register of Commercial Department of Integrated Check post, Chittoor District.

5) Government Cash Register of Agriculture Marketing Committee of Integrated Check Post, Narharipet Chittoor District.

6) Visiting Officers Registers of Commercial Tax of Integrated Check Post, Naraharipeta, Chittoor District.

7) Visiting Officers Register of Transport Department of Integrated check Post, Naraharipeta, Chittoor District.

8) Reply letter in Rc.No.Bl/164/2014, dated 11-08-2014 of Dy.Commissioner (CT), FAC, Chittoor Division, Chittoor.

9) Reply letter in Rc.No.90/2014, dated 12-08-2014 of A.M.C, Penumur.

10) Reply letter No.4129/A1/2014, dated 07-08-2014 of Dy.Transport Commissioner, Chittooor.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER